

STATE OF NEW YORK

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT

DOCUMENTS SERVED WITH INDEX#: 08CIV.3370

AND FILED ON

4/4/2008

EDMOND MALONE INDIVIDUALLY AND ON BEHALF OF ALL OTHER INDIVIDUALS
SIMILARLY SITUATED

Plaintiff(s)/Petitioner(s)

Vs.

TRI STATE LLC, ET AL

Defendant(s)/Respondent(s)

STATE OF: NEW YORK)

SS

COUNTY OF WESTCHESTER)

The undersigned deponent, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in the State of New York. On 4/17/2008 at 12:37PM, deponent did serve the within process as follows:

Process Served:

SUMMONS AND COMPLAINT, INSTRUCTIONS FOR FILING AN ELECTRONIC CA SE**

Party Served:

TRI STATE GATE LLC

(herein called recipient)
therein named.

At Location:

323 RAILROAD AVENUE

BEDFORD HILLS NY 10507

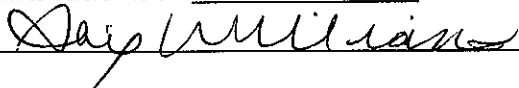

By delivering to and leaving with PHILLIP THOMAS and that deponent knew the personso served to be the MANAGING AGENT

of the corporation and authorized to accept service..

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

Sex M Color of Skin WH Color of Hair GRAY
Age 58 Height 5'10"-6'
Weight 190 Other Features SEATED

**OR APPEAL, INDIVIDUAL PRACTICES OF WILLIAM C. CONNER; AND
INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE GEORGE A. YANTHIS

Sworn to before me on 4/17/2008


 Gary Williams
 Server's License#:

GAIL WILLIAMS
 Notary Public, State of New York
 No. 4665052
 Qualified in Westchester County
 Commission Expires September 30, 2010